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VIA EMAIL AND FEDEX

May 24, 2024

Mr. Imad Sider
706 Peace, LLC / "Sub Sub"
706 W. Peace Street
Raleigh, NC 27605

Email: imadinraleigh@yahoo.com

Re: LEGAL NOTICE - Cease and Desist Unauthorized Use of Subway® Intellectual Property

Dear Mr. Sider:

This firm represents Doctor's Associates LLC ("DAL") which is the franchisor of the Subway® System in the United States and Subway IP LLC ("SIP"), the owner of the intellectual property related to the operation of all Subway® restaurants, including all trademarks, trade dress, logos, designs, materials, and confidential information. DAL is a franchisor of the Subway® franchises, and it has over 18,000 locations across the United States.

A Subway® restaurant was operated pursuant to a Franchise Agreement between DAL and Jihad Khadder at 706 W. Peace Street, Raleigh, North Carolina 27605 (the "Premises") until on or around November 30, 2023, at which time the Subway® restaurant closed. DAL has become aware that a sandwich business located at the Premises is now operating under the name "Sub Sub" (the "Sub Sub Restaurant"). DAL has been informed that 706 Peace, LLC, owned and operated by you, is operating the Sub Sub Restaurant. Upon inspection, it is clear that the interior of the Sub Sub Restaurant is virtually indistinguishable from that of a Subway® restaurant, displaying Subway® marks, trade dress, décor, and menu panels. Further, the Sub Sub Restaurant is selling Subway® food products, which strongly suggests 706 Peace, LLC and you are improperly procuring Subway® food products. The Sub Sub Restaurant is not authorized to use any of SIP's intellectual property, including, without limitation, its trademarks, trade dress, logos, designs, materials, food products, and confidential information.

The Sub Sub Restaurant and your improper and unauthorized use of SIP's intellectual property constitutes an infringement of SIP's valuable trademarks and intellectual property. Moreover, the Sub Sub Restaurant and your unauthorized use of the Subway® marks, trade dress, décor, and menu panels diminishes the value and goodwill associated with the Subway® brand and interferes with DAL's relationship with its franchisees, who are authorized to use SIP's intellectual property in connection with their Subway® franchises. These brazen acts of trademark and intellectual property infringement, unfair competition, and unfair trade practices subject the owners of the Sub Sub Restaurant, including but not limited to 706 Peace, LLC and you, to civil damages, penalties, and injunctive relief under federal and state law.

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DAL and SIP cannot permit the unlicensed and/or unlawful use of SIP's valuable intellectual property, its customer good will, or interference with DAL's franchisee relationships and must take all necessary steps to protect its rights and interests related thereto. **On DAL and SIP's behalf, therefore, we demand that you, 706 Peace, LLC, Sub Sub Restaurant, and/or any related or affiliated entities, immediately and permanently cease all use of SIP's intellectual property.** This includes, but is not limited to, immediately ceasing use of all items using intellectual property related to a Subway® restaurant, including without limitation: all Subway® marks, trade dress, décor, and menu panels.

Be advised that to completely de-identify the Sub Sub Restaurant and cease infringement of SIP's intellectual property, to the extent they are present, each of the following items must be removed from the Sub Sub Restaurant immediately:

- 1) SUBWAY® logos on Microwaves, Ovens and/or Toaster Ovens
- 2) All menu boards including MagnaLens® cover
- 3) All SUBWAY® Signage
- 4) All Advertising Materials (bag stuffers, point of purchase materials, window signs)
- 5) Curved glass on sandwich unit that has SUBWAY® logo on it
- 6) SUBWAY® decals on front window
- 7) Carpet with SUBWAY® logo at the entrance
- 8) Front door push bar with SUBWAY® logo
- 9) SUBWAY® clock
- 10) POS computer system containing SUBWAY® programs
- 11) All uniforms (shirts, visors and aprons)
- 12) SUBMAN costume
- 13) Web addresses, IP addresses, email addresses and domain names using the word SUBWAY® in any form
- 14) All business forms utilized in the operation of the store are proprietary items of SUBWAY® restaurants and should be returned to DAL
- 15) Floor stand promotional unit
- 16) Trash Units
- 17) Pillar Art
- 18) Vertical Wall Art
- 19) Black Framed Wall Art
- 20) All Art work proprietary to the SUBWAY® brand
- 21) Butternut or Rustic Brick Wallpaper
- 22) Tuscan Décor, Stucco, Quetin and/or red Wall Covering
- 23) The Cityscape Mural
- 24) Crossville ColorBox floor tiles
- 25) Banner Art

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- 26) Veggie mural on sandwich unit (Vegetable mosaic panels - Ceramic tiles or foam panels)
- 27) Large and small hanging Pendant lights

DAL also notes that the Franchise Agreement with Mr. Khadher contains a covenant not to compete that prohibits him from operating a sandwich restaurant for three years at the Premises. We assume that 706 Peace, LLC and you have no association with Mr. Khadher and he has no involvement in the business. However, statements made by an employee during a recent visit by a representative suggest that Mr. Khadher had some involvement in the Sub Sub Restaurant. If this is true, we expect that all involvement of Mr. Khadher in the Sub Sub Restaurant or in 706 Peace, LLC will cease immediately. Should DAL learn that Mr. Khadher has any involvement in the Sub Sub Restaurant, DAL will seek to enforce the covenant not to compete and will seek to have Sub Sub Restaurant cease operations.

DAL and SIP would prefer to resolve this matter amicably without resort to legal proceedings, but in view of the seriousness of this matter, if we do not receive proof or confirmation of a complete closure and/or removal of all items using SIP's intellectual property by **Friday, May 31, 2024** and confirmation that Mr. Khadher is not involved in the Sub Sub Restaurant, we will assume that 706 Peace, LLC and you have no interest in avoiding legal action and shall advise DAL and SIP accordingly. It is likely that DAL and SIP will file a lawsuit and seek injunctive relief and damages if misuse of their intellectual property does not cease by that time.

We note that nothing in this letter may be viewed as a waiver of DAL and its affiliates' legal rights, all of which are expressly reserved.

Any questions with respect to this notice should be directed to John Doroghazi at jdoroghazi@wiggin.com.

Sincerely,



John Doroghazi

cc. Subway Legal Department
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